

AN ORDINANCE AMENDING SECTION 10-152 OF THE CODE OF ORDINANCES WITH RESPECT TO THE TETHERING OF DOMESTIC ANIMALS WITHIN THE ENFORCEMENT JURISDICTION OF THE CITY OF HENDERSONVILLE

WHEREAS, the State of North Carolina has declared that municipalities may define and regulate animal cruelty; and

WHEREAS, the City of Hendersonville has determined that cruelty to animals is a danger to the public health, safety and welfare; and

WHEREAS, the City Council has determined that the tethering of domestic animals constitutes in many cases animal cruelty,

NOW THEREFORE, be it ordained by the City Council of the City of Hendersonville:

SECTION 1. Section 10-152 of the Hendersonville Code of Ordinances shall and it is hereby amended to read in its entirety as follows:

Sec. 10-152. Mistreatment of animals prohibited.

(a) It shall be unlawful for any person to deprive or cause to be deprived any domestic animal of adequate food, water, necessary medical attention and adequate shelter.

(1) Adequate food and water, as defined herein, must be provided for all domestic animals.

(2) Necessary medical attention. No person owning or responsible for any domestic animal shall fail to supply the animal with necessary medical attention when the animal suffers from illness, injury, or disease.

(3) Adequate shelter, protection from the weather and humanely clean conditions. No persons owning or responsible for any domestic animal shall fail to provide the animal with appropriate shelter, protection from the weather and humanely clean conditions as prescribed in this section.

(b) When confinement prohibited. No animal may intentionally be confined in a building, enclosure, car, boat, vehicle or vessel of any kind when to do so would expose the animal to heat or cold harmful to its health.

(c) Tethering. Domestic animals may be tethered to a stationary object only if all of the conditions numbered 1 through 9 are followed:

1. A tether must be equipped with a swivel on both ends.

2. A tether must be a minimum of 10 feet in length and be made of either metal chain or coated steel cable.

3. Tethers must be attached to a collar or harness worn by the domestic animal and under no circumstances shall the tether be placed directly around the domestic animal's neck. Tethers are never to be used in conjunction with training collars such as choke or pinch-style collars.

4. The weight of the tether must not exceed 10% of the total body weight of the domestic animal but shall be of sufficient strength to prevent breakage.

5. The tether by design and placement must allow the domestic animal a reasonable and unobstructed range of motion without the possibility of entanglement.

6. The domestic animal must be ~~four~~ six months of age or older to be tethered.

7. Only one domestic animal may be attached to a single tether.

8. Pulley systems, running lines, and trolley systems cannot be used in conjunction with training collars such as choke or pinch-style collars. The attached tether may not be made of rope, twine, cord or similar material.

a. Pulley, running line or trolley systems shall be at least 10 feet in length and no more than seven feet above ground.

b. The attached tether shall be no less than 10 foot in length.

9. No tether shall be affixed to a stationary object which allows a domestic animal to come within 5 feet of any property line.

10. The Animal Care & Control Officer may have in their sole discretion the power to order any resident a minimum tethering requirement when such a condition is found to be detrimental to the health, safety and welfare of the domestic animal.

11. No animal shall be tethered more than two hours in any continuous 12 hour period.

~~11~~12. Exemptions. Citizens residing in townhomes, apartments, condos or similar multi-family housing units with lot sizes insufficient to meet the length and property lines requirements specified in sections 2, 8 and 9 above, may only tether domestic animals for temporary exercise and relief.

(d) Properly fitted collars required. An owner of a dog or cat shall not permit injury or inflict pain upon such animal from an improperly fitting or embedded collar.


SECTION 2. SEVERABILITY. If any provision of this ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the remaining provisions of this ordinance. This ordinance does not purport to cover treatment of animals where such treatment has been preempted by federal or North Carolina law.

SECTION 3. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after the date of its adoption.

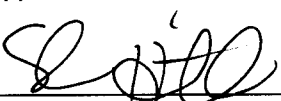
Adopted this second day of July, 2015.


Barbara G. Volk, Mayor

Attest:


Tammie K. Drake, MMC, City Clerk

Approved as to form:


Samuel H. Fritschner, City Attorney